

1 BARBARA MARIE RIZZO (CSBN 172999)
2 Attorney at Law
3 P. O. Box 383103
4 Waikoloa, HI 96738
5 Telephone: 808-785-6088
6 Fax: 808-440-0699
7 E-Mail: mail@fedlaborlaw.com

8 Attorney for Plaintiff Casey Morgan

9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

CASEY MORGAN,) Case No.: 2:20-CV-0252-EFB
Plaintiff,)
v.) STIPULATION AND ORDER APPROVING
ANDREW SAUL,) SETTLEMENT OF ATTORNEY FEES AND
Commissioner of Social Security,) COSTS PURSUANT TO THE EQUAL
Defendant.) ACCESS TO JUSTICE ACT,
) 28 U.S.C. §2412(d)
)
)

IT IS HEREBY STIPULATED by and between the parties, through their undersigned counsel, subject to the Court's approval, that Plaintiff be awarded SIX THOUSAND FOUR HUNDRED THIRTY-EIGHT DOLLARS AND TEN CENTS (\$6,438.10) under the Equal Access to Justice Act ("EAJA"), consisting of SIX THOUSAND FOUR HUNDRED DOLLARS (\$6,400.00) in attorney fees and THIRTY-EIGHT DOLLARS AND TEN CENTS (\$38.10) in expenses, and zero costs. These amounts represent compensation for legal services rendered on behalf of Plaintiff by counsel in connection with this civil action, in accordance with 28 U.S.C. §§1920, 2412(d).

After the Court issues an order for EAJA fees and costs to Plaintiff, the Government will consider the matter of Plaintiff's assignment of EAJA fees and costs to Plaintiff's attorney. Pursuant to Astrue v. Ratliff, 130 S.Ct. 2521 (2010), the ability to honor the assignment will depend on whether the fees are subject to any offset allowed under the United States Department of the

Treasury's Offset Program. After the order for EAJA fees and costs is entered, the Government will determine whether the fees are subject to any offset. If the Department of the Treasury determines that Plaintiff does not owe a federal debt, the Government shall cause the payment of fees and costs to be made directly to Barbara Marie Rizzo, pursuant to the assignment executed by Plaintiff. Any payments made shall be delivered to Plaintiff's counsel.

This stipulation constitutes a compromise settlement of Plaintiff's request for EAJA attorney fees and costs and does not constitute an admission of liability on the part of Defendant under the EAJA. Payment of the agreed amount shall constitute a complete release from, and bar to, any and all claims that Plaintiff and/or Plaintiff's counsel may have relating to EAJA attorney fees and costs in connection with this action.

This award is without prejudice to the rights of Plaintiff's counsel to seek attorney fees pursuant to the Social Security Act, 42 U.S.C. §406(b), subject to the offset provisions of the EAJA.

Respectfully submitted,

Dated: August 3, 2020

"/s/Barbara Marie Rizzo"
BARBARA MARIE RIZZO
Attorney for Plaintiff

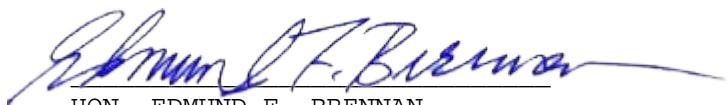
Dated: August 3, 2020

"/s/Marcelo N. Illarmino"
MARCELO N. ILLARMO
(As authorized via e-mail)
Special Assistant United States Attorney
Attorney for Defendant
Andrew Saul, Commissioner
of Social Security

1 PURSUANT TO STIPULATION, IT IS SO ORDERED that Plaintiff shall be awarded
2 attorney fees in the amount of SIX THOUSAND FOUR HUNDRED DOLLARS (\$6,400.00)
3 and expenses in the amount of THIRTY-EIGHT DOLLARS AND TEN CENTS (\$38.10), as
4 authorized by 28 U.S.C. §§ 1920, 2412(d), subject to the terms of the above
5 referenced Stipulation.

6 IT IS SO ORDERED.

7 Dated: August 5, 2020.



8 HON. EDMUND F. BRENNAN
9 United States Magistrate Judge

10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28